

DATA PROTECTION AND THE SPF GUIDANCE DOCUMENT

Due to the new Data Protection legislation coming in to force in May 2018, new documentation was laid out by the PAGB in Feb 2018. The SPF subsequently made certain changes to comply with the new legislation. Documentation created by the PAGB and SPF in the process of ensuring their own compliance is supplied in this document (or via the links supplied) including a Clubs Q&A section.

This information is advisory and does not set out a policy for anyone to follow. It is intended only as guidelines for Clubs to construct their own policy. Whilst this information has been researched and we believe it to be accurate, neither the SPF nor the PAGB can accept no responsibility for any errors or incorrect statements and cannot be held liable for any consequent actions which may arise.

The SPF have put in place a Data Protection Policy and amended our Competition Rules for forthcoming events in line with the proposed new requirements.

A change to our Constitution was also ratified at our 2018 AGM Constitution as follows -

"1.5 All personal data obtained by the SPF and used to facilitate the administration of the SPF, its services and events will be handled in compliance with our SPF Data Protection Policy".

The additional reference to personal data within our Constitution is -

"1.4 All affiliated societies shall, as a condition of their affiliation, supply a contact person's name, address and telephone number to be published in the SPF Directory".

The full SPF Constitution can be found here http://www.scottish-photographic-federation.org/sites/default/files/downloads/spf_constitution_2018.pdf

YOU CAN FIND ALL OF THE FOLLOWING DETAILS AND DATA PROTECTION DOCUMENTS ON OUR SPF WEBSITE

www.scottish-photographic-federation.org/guidance

GO TO THE 'SPF' 'GUIDANCE' AREA OR FOLLOW THE ABOVE LINK

Scroll down to the 'Data Protection 2018' heading where you will find all of the following downloads and more;

SPF Data Protection Policy (Mar18) (including details held)

PAGB Advice on Data Protection (Apr18)

PAGB Data Protection Policy (Apr18)

FOR MANY CLUBS TO COMPLY WITH THE NEW GDPR IT MEANS THE NEW REQUIREMENT OF HAVING THEIR OWN DATA PROTECTION POLICY AND AMENDING THEIR MEMBERSHIP FORM

e.g. "that you agree to data being used and stored as per the Club's Data Protection Policy"

To aid that process, also supplied is a Draft Club Data Policy based on the PAGB's and SPF's own, which should help you to relate to your own Club's data uses and requirements.

DRAFT CLUB DATA PROTECTION POLICY

(as a starting point for our Clubs)

http://www.scottish-photographic-federation.org/sites/default/files/downloads/draft_club_data_protection_policy_3.pdf

Also available as a word document from <http://www.scottish-photographic-federation.org/guidance>

DATA PROTECTION AND THE SPF / PAGB AND OUR MEMBER CLUBS

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Clubs should particularly check the Guidance Summary given by the PAGB in their PAGB Advice Document, and see our Q&A section of these guidance notes.

http://www.scottish-photographic-federation.org/sites/default/files/downloads/data_protection.pdf

Extract from PAGB Advice (Full version available on SPF Website) –

- *The new legislation adds a requirement for all data controllers to demonstrate their compliance*
- *Federations/Clubs need to inform volunteers about the requirements for holding and using personal data.*
- *Federations/Clubs do not need explicit consent to collect personal data, but implied consent is only valid within a published policy.*
- *The data controllers of Inter-Club and similar events will need to ensure they have consent from individual photographers whose work is entered via a third party.*

The main areas where some changes may be required by your Club, in addition to what you do already, are shown in the Summary List of Actions -

- *Federations/Clubs will need to prepare and publish a data protection policy containing an adequate description of what personal data will be collected and for what purposes. – This is required so that implied consent is valid for competition secretaries entering member's work in Inter-Club/SPF/PAGB events (SPF Draft Club Policy available from SPF Website)*
- *Federations/Clubs will need to review and document their compliance with their own policy.*
- *Federations/Clubs will need to inform their volunteer officials about maintaining a separation between personal data from different data controllers, and between controlled and domestic use of personal data – i.e. that data can only be used for Club business (inc SPF Directory lists etc..)*
- *Organisers of inter-Club and similar events will need to review their entry conditions to ensure that any third party entrant confirms explicit consent for the organiser to hold personal data about the photographers entered to the event – e.g. To cover a Club Photographer's work entered by a Competition Secretary into an Inter-Club/SPF/PAGB competition (and that the SPF may also re-enter into a PAGB/Celtic Challenge event)*
- *Federations/Clubs must not make their membership contact information available for electronic marketing. Clubs must refuse any request to cascade marketing material to members by electronic messages.- For clarification and as an example of what's allowed; the e-flash, e-news and e-salon contain details about SPF events which is being supplied to our members - this is not classed as electronic marketing so you are free to disseminate it to your Club members, although you are wise to get permission to send any such information to their email address.*

Extract from PAGB Advice - Marketing material would not include information to members about events directly related to a Federation's/Club's activities.

WHAT HAS THIS MEANT FOR THE SPF?

In addition to what we do already, the SPF have put the following in place –

a) A Data Protection Policy – *SPF Policy supplied;*

The SPF Constitution required to be amended (AGM 2018) to add ‘1.5 All personal data obtained by the SPF and used to facilitate the administration of the SPF, its services and events will be handled in compliance with our SPF Data Protection Policy’ (only other reference to personal data is - ‘1.4 All affiliated societies shall, as a condition of their affiliation, supply a contact person’s name, address and telephone number to be published in the SPF Directory’)

b) A statement added in to our competition rules to cover work entered by a third party

i.e. Competition Secretaries on behalf of their members (excluding the Scottish Salon) – *Wording included in Policy Attached and below Appendix A. (This includes necessary wording re copyright etc already stipulated in the SPF’s competition rules)*

c) A statement added in to our Scottish Salon rules to cover work entered by a third party – *We require only to add Appendix B, as the Salon already has wording to comply with both PSA and FIAP, as well as a tick box acceptance.*

d) Make clear what data we hold and why – *Included in the Draft Policy Attached (to make one document do both)*

e) Records to back up the receipt and use of personal data – *This is already done in part but will require expanded upon. Will be organised between the Secretary and Treasurer, in conjunction with the main data controllers.*

f) What EC members, Clubs and Judges can and can’t do with data collected – *We already do this in part by the statements we add to our SPF Directory and e-mailings, but we require to make Clubs and Individuals generally more aware of the changes and more stringent requirements from May 2018 - **More details will follow with the new SPF Directory***

In addition, the Data Protection Policy, in its entirety, will be included in the SPF Directory, as well as on the SPF Website. Club Requirement - The SPF Directory, whether in PDF or in paper format, must be supplied only to Club Committee Members for Club business and must never appear on a Club website, even in a restricted area.

Wording as referred to above -

Appendix A included in all SPF Competition Rules (excluding the Scottish Salon) -

‘By entering, the Photographer consents to the retention by the SPF of information identifying the Photographer as the creator of an Image. Where a Federation or Club is the Entrant on behalf of multiple Photographers, then the Entrant warrants that each Photographer has consented to the retention of identifying information as if the Photographer had entered in person. Any photographs submitted may be selected to represent the SPF. By virtue of submitting an entry the entrant certifies the work as his own and permits the SPF to reproduce all or part of the entered material free of charge for publication and /or display in media related to its Competitions, including on its website or by circulation to its member Clubs. The Photographer of each image will normally be credited with any use. The SPF assumes no liability for any misuse of copyright.’ (NB – The following portion does not apply to the SPF Print Championship and will be excluded from the Print Championship rules ‘Any photographs submitted may be selected to represent the SPF’).

Appendix B for inclusion in the Scottish Salon -

‘By entering, the Photographer consents to the retention by the SPF of information identifying the Photographer as the creator of an Image. Where a Federation or Club is the Entrant on behalf of multiple Photographers, then the Entrant warrants that each Photographer has consented to the retention of identifying information as if the Photographer had entered in person.’

NEW SPF DATA PROTECTION POLICY

The Scottish Photographic Federation (SPF) is established with the objects set out in its constitution, and is a data controller within the UK.

The personal information referred to in this Policy may include name, contact details, service records, records of entries to events, photographs at events, and such other information as may be necessary for the effective management of the legitimate interests of the SPF. Any person wishing to verify the information held by the SPF may apply to the General Secretary.

The SPF collects and holds personal information about:

1. The Executive Committees of itself, and of its Member Clubs; others who assist those Executive Committees (*including the Scottish Salon*); and those offering their services to the SPF community (*e.g. as Judges or Lecturers*). This information is used to facilitate administration of the SPF, its services and events.

- The information (*Name, Photo Distinctions, Address, Telephone Number, email address (& Club if applicable)*) is compiled into the SPF Directory and circulated to those named within it, and to SPF Club Committee members on request, in printed form or as a PDF.

- Limited data (*Name, Club and email address*) is used electronically by the SPF Executive Committee; for secure website log-in, and to circulate information for administration or event purposes. e.g. emails of subscriptions/insurance details of Competitions, and/or information and results via the SPF e-flash and e-salon. (*Most emails via Campaign Monitor to two Committee Members usually Secretary & Competition Secretary*)

- All Member Clubs will appear on our SPF website listing (*Club Name, Venue Address and Website details, along with the name of the Club's main contact*).

- The contact details of SPF officials allocated to provide particular services may be published generally, including on our website, and on event paperwork or in the PAGB Handbook.

- Additional information will be held on prospective/current SPF Judges for administration of Judge's Assessments and Feedback (*e.g. Feedback Forms and Judge's Questionnaires*)

2. Photographers, as Image Makers, participating in the activities of the SPF, including the Scottish Salon. (*Normally for Club entries; only Name, Photo Distinctions, Club are required to go with submitted photographs*) (*in addition email address and phone number are required for Club Competition Secretaries*) (*For Individual entries; The Scottish Salon requires; Name, Photo Distinctions, Address, Telephone Number, email address (& Club if applicable)*)

- This information is managed subject to the event or competition rules, and includes participation in PAGB, FIAP or Celtic Challenge events representing the SPF.

'Any photographs submitted may be selected to represent the SPF. By virtue of submitting an entry the entrant certifies the work as his own and permits the SPF to reproduce all or part of the entered material free of charge for publication and /or display in media related to the Competition, including on website or by circulation to the Clubs. The Photographer of each image will normally be credited with any use. The SPF assumes no liability for any misuse of copyright.'

By entering, the Photographer consents to the retention by the SPF of information identifying the Photographer as the creator of an Image. Where a Federation or Club is the Entrant on behalf of multiple Photographers, then the Entrant warrants that each Photographer has consented to the retention of identifying information as if the Photographer had entered in person.'

- And includes individual photographer's applications via the SPF to FIAP or PAGB (e.g. PAGB Awards/FIAP Distinctions) with their expressed permission (*Name, Photo Distinctions, Address, Telephone Number, email address & Club may all be required*).

3. Others necessary for the conduct of the business of the SPF. This information is used to satisfy a requested service or a contractual requirement, and may be retained to confirm the outcome.

The SPF may retain historical archives for example but not limited to, records of meetings, handbooks, catalogues, prints and images, awards and other event results.

SOME QUESTIONS RAISED BY OUR MEMBER CLUBS

Q - "I have just been reading about the update to data protection coming into focus soon, can you tell me more about how to update our members, do I need to have a form for them to sign and if so do you have one?"

A - The form alone is not enough, you now require a Data Protection Policy, containing an adequate description of what personal data will be collected and for what purposes. Clubs will need to review and document their compliance with their own policy i.e. make sure that everyone is aware of what they shouldn't use the data for - (e.g. not showing loads of email addresses when emailing, all should be bcc'd emails; making sure people don't use Club lists for advertising events they're involved in for other organisations; etc. See the additional info supplied

Q - "I was wondering if the SPF has formulated a standard privacy consent form for use by clubs to ensure that we all meet the new requirements?"

A - As above.

Q - "We have just had a committee meeting with some discussion around our Data Protection Policy for the forthcoming GDPR change. We are generally happy with how we should inform members and waiting list names about what we do and request consent to use their personal data. However, the question of how to deal with the personal information of judges, external competition contacts and the like was raised. The club competition syllabus secretaries clearly need to have this contact data but do we need to get permissions verified for each of them? If we use contact names from the SPF or PAGB handbook are they covered by a blanket permission from the relevant affiliated organisation? If all the clubs need to get individual consent from all the contacts it will be a busy time for them! It was suggested I ask how the SPF might be dealing with this or if you know how other clubs are handling it. Any advice would be welcome"

A - You don't require to get permission individually from any of the people listed in the PAGB Handbook or SPF Directory, they have already given their permission for their details to be published and circulated in these documents (i.e. Judges, Lecturers, Club Contacts and SPF Executive) but their contents should be used solely for Club purposes, and you must ensure this is included within your policy, and the data is handled as your own member's data would be, and restricted to members who require access to their data. The SPF require you to handle the content of these documents solely within the committee and already ask that the details of its SPF Directory are not available on a website even in a restricted member's area.

Q - "At a recent committee meeting it came to light that apparently we send you an entire copy of our membership list every year. As you can imagine, if this continues, it would have to be noted under uses of personal data to which prospective members should give consent when signing the membership forms. It also does not sit well with the privacy-by-default nature of the GDPR. Does the SPF have a statement about GDPR compliance that we might consider?"

A - Your Club does not send us their entire membership list every year, it never has done, and it is not required. We do hold details on your Club Secretary and Competition Secretary, and occasionally as required other Committee Members from time to time e.g. Treasurer.

In addition to this we hold information in the form of Author Names, Distinctions and Titles of work submitted to our events - This will require you to have permission i.e a Policy or statement to cover this with the introduction of the new GDPR requirements later this month.

We occasionally also hold details on individual Club Members (which can include telephone/ address/ email) but this is given by the Author on a 'one to one' basis where that author is interested in a FIAP or PAGB Distinction for example. It can therefore be necessary for your Club Secretary/Competition Secretary to forward a phone number/email address of a Member who may be interested in certain aspects of our Services/Events, but this is generally at the request of the Member.

Q - "What about member's data being supplied to organisations out with the Club e.g. other Clubs / SPF / PAGB even via Competitions, should this be included in our Club Data Protection Policy?"

A - Yes - As this includes your Secretary's contact details to the SPF and those of other Club members as required e.g. competition secretaries etc.. - as your administrators .But remember, data also means Name and Distinctions as well, so includes everyone you enter work for in Inter-club/Federation Competitions - referred to in the Policy Document as 'Imagemakers'

See Draft Club Policy Part 2.- Photographers, as Image Makers, participating in the activities of the Club, including external events.

Club Draft Data Protection Policy

'Name of Club' (Club) is established with the objects set out in its constitution, and is a data controller within the UK.

The personal information referred to in this Policy may include name, contact details, service records, records of entries to events, photographs at events, and such other information as may be necessary for the effective management of the legitimate interests of the Club. Any person wishing to verify the information held by the Club may apply to the Treasurer.

The Club collects and holds personal information about:

1. The Committee and its Members; others who assist, and those offering their services to other Clubs or the SPF*/PAGB* communities (e.g. as Judges or Lecturers).

This information is used to facilitate administration of the Club, its services and events.

- The information (*Name, Photo Distinctions, Address, Telephone Number, email address (& Club if applicable)*) is compiled electronically, or as a PDF, and only available to Committee Members.
- Limited data (*Usually Name, Club and email address*) is used electronically by the Committee; for secure website log-in, and to circulate information for administration or event purposes. e.g. emails re events, details of Competitions, and/or information. (*Most emails via Mailchimp or by Committee Members*)
- The contact details of Club officials allocated to provide particular services may be published generally, including on our website, and on event paperwork or in the Club syllabus/flyer as permitted.
- Additionally information will be held on prospective members for administration purposes for a limited time

2. Photographers, as Image Makers, participating in the activities of the Club, including external events. (Normally for Club entries; only Name, Photo Distinctions, Club are required to go with submitted photographs)(in addition email address and phone number are required for Club Competition Secretaries)

- This information is managed subject to the event or competition rules, and includes participation in SPF, PAGB events.

'Any photographs submitted may be selected to represent the Club. By virtue of submitting an entry the entrant certifies the work as his own and permits the Club to reproduce all or part of the entered material free of charge for publication and /or display in media related to the Competition, including on website or by circulation to the Clubs. The Photographer of each image will normally be credited with any use. The Club assumes no liability for any misuse of copyright.'

By entering, the Photographer consents to the retention by the Club of information identifying the Photographer as the creator of an Image. Where a Federation or Club is the Entrant on behalf of multiple Photographers, then the Entrant warrants that each Photographer has consented to the retention of identifying information as if the Photographer had entered in person.'

3. Others necessary for the conduct of the business of the Club. This information is used to satisfy a requested service or a contractual requirement, and may be retained to confirm the outcome.

The Club may retain historical archives for example but not limited to, records of meetings, handbooks, catalogues, prints and images, awards and other event results.

* SPF – Scottish Photographic Federation; PAGB – Photographic Alliance of Great Britain

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